

TFCW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Diyun Huang et al. Art Unit : 1626
Serial No. : 10/625,371 Examiner : Deborah Lambkin
Filed : July 23, 2003
Title : POLYMERS HAVING PENDANT NONLINEAR OPTICAL CHROMOPHORES
AND ELECTRO-OPTIC DEVICES THEREFROM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JULY 22, 2005

In reply to the Office Action of July 22, 2005, Applicants submit the following remarks.

Claims 1-19 are pending, and stand rejected under 35 U.S.C. §101 for double patenting over claims 1-21 of commonly owned U.S. Patent No. 6,750,603. Claims 1-19 also stand rejected for obviousness-type double patenting over claims 1-21 of U.S. Patent No. 6,750,603. Applicants request that the Examiner reconsider and withdraw the rejections for the following reasons.

Double patenting under 35 U.S.C. §101 requires that the scope of the claims be identical to the scope of the claims found in another issued patent. That is not the case here. The claims of U.S. Patent No. 6,750,603 cover a chromophore and compositions in which the chromophore may be covalently incorporated into a polymer matrix. In contrast, claims 1-19 of the present application cover a specific type of polymer that includes the chromophore in the form of a pendant group. While there may be some overlap in coverage between the two sets of claims,

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

August 3, 2005

Judith A. Witzel

Judith A. Witzel